IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

Tr.P(C).No. 163 of 2007()

OPMV.1/2005 of O.P.(MV).1/05 OF DISTRICT COURT, KAVARATHY

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PETITIONER

KUNJIBI, W/O. P.P.KIDAVU,
AGED 44 YEARS, KOTTARAM HOUSE,
KAVARATTI, LAKSHADWEEP.

BY ADV. SRI.P.S.SREEDHARAN PILLAI
SMT.C.G.PREETHA
SMT.P.RANI DIOTHIMA

RESPONDENTS:

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1. THE DIRECTOR OF PANCHAYATH
PANCHAYATH DIRECTORATE, KAVARATHI,
LAKSHADWEEP.

2. SRI. K.S. SYED KUTHUBU,
S/O. K.B. NALLAKOY, ALMANAR,
MANZIL HOUSE,KAVARATHI.

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ALONG WITH Tr.P.(C).164/07 ON 20/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J.

Tr.P(C).Nos.163 & 164 of 2007

Dated this the 20th day of July, 2007

JUDGMENT

These petitions are filed by the wife and husband respectively for transfer of O.P.Nos.1 and 2 of 2005 from the District Court, Kavarathy to the MACT, Ernakulam. The grounds alleged are that after the accident, the claimants were in a hospital at Kochi and therefore, for examination of those doctors the cases may be transferred to the MACT at Ernakulam and secondly, a vague allegation is made that the presiding officer is biased towards the respondents in the case. This is an MACT case and if the petitioners sustained injuries in the road accident, naturally, law permits them to get compensation and no prejudice or bias can work against them in a case of this nature. I may say that in order to get a transfer of the case, uncharitable remarks are made against a District Judge. I do not intend to call for any remarks from the District Judge. If the petitioners want the doctors to be examined and if the doctors are unable to come to Kavarathy for examination, there are methods known to law, whereby they can be examined from Kochi itself. In order to suit the convenience of a witness, a court cannot do away

the jurisdictional aspect and therefore I find, both these applications lack merits and are dismissed.

M.N.KRISHNAN, JUDGE

vgs.